IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 1282 of 2006.

Date of decision: 11.4.2007

Prakash Chand ..Petitioner

Versus

State of H.P. and others. ….Respondents

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge

Whether approved for reporting?

For the Petitioner: Mr. Deepak Kaushal, Advocate.

For Respondents No 1&2 Mr.M.S.Chandel, Advocate General, with Mr.R.M.Bisht, DAG

For Respondent No.3 Mr. N. K.Thakur, Advocate.

Per Deepak Gupta, J (Oral)

The petitioner has filed the present writ petition levelling serious allegations against respondent No.3, who is holding the post of ACO, Circle Haroli, Nangal Kalan, Sub-Tehsil Haroli, District Una. The petitioner has prayed for the following amongst other relief:-

(a) That respondent State may kindly be directed to take appropriate action against the respondent No.3.

(b) That respondent State may kindly further be directed to initiate vigilance enquiry against the respondent No.3 and to registered the appropriate case against him.

(c) That the respondents be directed to complete all the Departmental enquiries against the respondent No.3 within stipulated time as this Hon'ble Court Deems fit.

(d) That the respondent No.5 may kindly be directed to properly investigate the FIR No.303/05 against the respondent No.3 which is pending at Police Station-Una.

On 8th March, 2007 this Court had noticed that the respondent No.5 has clearly stated in his affidavit that after investigation it was found that no case under Section 13(2) Prevention of Corruption Act, 1988 is made out against respondent No.3 and the cancellation report has been filed. We had, therefore, ordered that no further action in this behalf could be taken in the writ petition.

As far as prayers (a), (b) and (c) are concerned the respondent No.6 has filed an affidavit in which it is stated that in three cases departmental inquiries were initiated against the respondent No.3 and in one case inquiry officer has submitted his report on 4th April, 2007. It has been stated by Sh. Ram Murti Bisht, on instruction from respondent No.6, that in the second case also the inquiry report has been received. Respondent No.6 is directed to take action in accordance with law so that the disciplinary proceedings are completed latest by 30th June, 2007. So far as the 3rd case is concerned, according to respondent No.6, chargesheet was issued to respondent No.3 but thereafter respondent No.3 filed his reply and sought time for personal hearing in the matter and was personally heard on 27th February, 2007. Respondent No.6 is hereby directed to ensure that further action in the inquiry is taken as deemed fit in accordance with law within 15 days from today. In case the inquiry is to be conducted then the same shall be completed within six months from today. Writ petition is disposed of accordingly.

(Deepak Gupta), J.

April 11, 2007 (Surinder Singh), J.
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